

UNITED STATES DISTRICT COURT

for the
District of ArizonaDOA
11-01-17

United States of America)
 v.)
 Sergio Arturo Serna-Bustamonte,)
 a.k.a.: Sergio Arturo Serna Bustamonte,)
 (A208 197 968))
 _____)
 Defendant)

Case No. 17-9499 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 4, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Sergio Arturo Serna-Bustamonte, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 17, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Kathy J. Lemke

☒ Continued on the attached sheet.

 Complainant's signature

Gilbert V. Longoria,
 Deportation Officer

 Printed name and title

Sworn to before me and signed in my presence.

Date: November 1, 2017

 Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
 United States Magistrate Judge

 Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On May 4, 2017, Sergio Arturo Serna-Bustamonte was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Serna-Bustamonte was examined by ICE Officer B. Fitzgerald who determined Serna-Bustamonte to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 1, 2017, Serna-Bustamonte was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Serna-Bustamonte was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Sergio Arturo Serna-Bustamonte to be a citizen of Mexico and a previously deported criminal alien. Serna-Bustamonte was removed

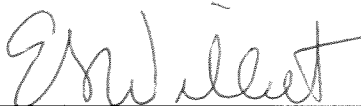
from the United States to Mexico at or near Nogales, Arizona, on or about May 17, 2016, pursuant to an order of removal issued by an immigration judge. There is no record of Serna-Bustamonte in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Serna-Bustamonte's immigration history was matched to him by electronic fingerprint comparison.

4. On November 1, 2017, Sergio Arturo Serna-Bustamonte was advised of his constitutional rights. Serna-Bustamonte freely and willingly acknowledged his rights and agreed to provide a statement under oath. Serna-Bustamonte stated that his true and complete name is Sergio Arturo Serna-Bustamonte, and that he is a citizen of Mexico. Serna-Bustamonte stated that he illegally entered the United States at an unknown location, on an unknown date. Serna-Bustamonte further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about May 4, 2017, Sergio Arturo Serna-Bustamonte, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States

at or near Nogales, Arizona, on or about May 17, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 1st day of November, 2017.



Eileen S. Willett,
United States Magistrate Judge